IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.797 of 2007

Mukesh Popatlal Chheda .. Appellant

V/s

M/s Shree Gayatri Construction Company and Ors. ...Respondents

Shri N.V.Walawalkar i/b Shri Dhiren H. Shah for the Appellant

Shri V.S.Kapse for the Respondent nos 1 to 3

Shri Y.S.Jahagirdar with P.S.Dani and Shri Nandu Pawar for the Respondent no.4

Shri P.M.Jani for the Respondent no.5

CORAM:S.R.SATHE,J.

DATED:16th Oct. 2007

P.C.:-

1. Heard learned Advocates appearing on both sides.

2. All of them fairly submitted that they have no objection to dispose of the present Appeal from Order in following terms. Hence, I pass the following order:-

i) Without prejudice to the rights and contentions of the parties to the present AO/Suit, the Respondent no.5 is hereby directed not to create any third party interest in respect of the flat which he has agreed to

purchase from the defendant no.4, till the disposal of the suit;

ii)The defendant no.4 shall not hand over the possession of the said flat to defendant no.5 till the disposal of the suit;

iii) The defendant no.4 is permitted to carry on development/construction work at the suit land which is permissible and legal;

iv) The trial court is directed to dispose of the suit at the earliest and in any event within four months from today, without getting influenced by the present order and the observations made while disposing of Notice of Motion;

v) It is made clear that the present order is not passed on merits but it is essentially passed on the basis of the statements made by both sides;

vi) Parties to co-operate the trial Court for expeditious disposal of the suit.

vii) In the circumstances of the case parties to bear their own costs of this appeal.

4. Parties to act on authenticated copy of this order.

(S.R.SATHE,J.)